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Atty. Docket No. 97-MA-CNR-VI

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Catherine HANNI et al.

Confirmation No. 6537

Serial No. 09/423,259

GROUP 1655

Filed March 2, 2000

Examiner J. Einsmann

METHOD FOR DETECTING THE PRESENCE  
OF BIOLOGICAL MATTERS OF BOVINE  
ORIGIN, AND OLIGONUCLEOTIDES FOR  
ITS IMPLEMENTATION

AMENDMENT

RECEIVED

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TECH CENTER 1600/2900

Commissioner for Patents

Washington, D.C. 20231

Sir:

Responsive to the Official Action of December 21, 2001,  
please amend the above-identified application as follows:

IN THE CLAIMS:

Amend claim 22 as follows:

--22. (twice amended) Pairs of oligonucleotide primers,  
each primer pair being selected from the group of primer pairs  
consisting of: SEQ ID NO: 9 with SEQ ID NO: 10; SEQ ID NO: 6  
with SEQ ID NO: 11; SEQ ID NO: 12 with SEQ ID NO: 3; and SEQ ID  
NO: 13 with SEQ ID NO: 14.--

DECLARATION:

Please make of record the 37 CFR 1.132 declaration of  
Vincent LAUDET.

REMARKS

This application has been amended in a manner so as to place it in condition for allowance at the time of the next Official Action.

In the outstanding Official Action, claim 22 is rejected under 35 USC §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

In the outstanding Official Action, it is noted that the amendment of claim 22 to read "each primer pair being selected from" would obviate the indefiniteness rejection of claim 22. In an effort to advance prosecution, claim 22 has been amended to recite "each primer pair being selected from".

In the outstanding Official Action, claims 17-19, 21-23 and 25-27 were rejected under 35 USC §103(a) as being unpatentable over LOFTUS et al. in view of FEI et al. This rejection is respectfully traversed.

It is noted that at the interview of October 16, 2001, inventor Laudet presented test results demonstrating that LOFTUS et al. in view of FEI et al. fails to render obvious the present invention. The test results show that the FEI et al. primers were not specific or exclusive to the presence of beef DNA in a sample, as well as results showing that the recited primers were exclusive for beef.

Based on the evidence presented during the interview, applicants understand that the obviousness rejection would be withdrawn upon filing a formal declaration substantiating the results.

Thus, applicants present the test results discussed at the interview of October 16, 2001 in the form of a 37 CFR 1.132 declaration. The declaration also attests to the non-obviousness of the present invention. An unsigned copy of the declaration is also presented for the Examiner's convenience.

In view of the present amendment and the foregoing remarks, it is believed that this application is in condition for allowance. Allowance and passage to issue is respectfully requested on this basis.

Attached hereto is a marked-up version of the changes made to the claims. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Respectfully submitted,

YOUNG & THOMPSON

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June 21, 2002